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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Assessment of the Human Rights Situation of Roma, Ashkali and Egyptian (RAE) IDPs in Kosovo[1]

The main focus of this summary is the access to accommodation, property and reintegration of RAE IDPs in Kosovo. The information provided is mainly gathered trough field visits and some personal exchanges with RAE IDPs whose status did not change even after 15 years of displacement.

1) Background

Following the end of NATO bombing in 1999, up to 134,000 members of the RAE community had been violently expelled from their homes. In many cases the massive destruction of their homes and former settlements (mahallas) made them to leave their places of origin. 60% of the RAE families who had an opportunity to leave Kosovo were seeking asylum in the EU countries while others had been registered as IDPs.

UNHCR - in coordination of the municipal office for communities - has made several assessments on the possibility of return for RAE IDPs to their place of origin. Only a very small percentage (close to 14%) had returned to their place of origin while their security situation has been monitored. Due to political tensions and lack of social assistance, the majority of RAE IDP's did not find an opportunity to return to their former places of origin. They decided to stay in informal settlements and tried to reintegrate into the new environment.

2) Overall situation of RAE IDPs

There are still about 97,000 IDPs displaced from Kosovo with continued displacement related needs, according to a joint IDP needs assessment from 2011, carried out by the Serbian authorities and the UNHCR. Among this population in need, there are thousands of Roma IDPs who are the most vulnerable and have specific needs and protection concerns, particularly documentation, residency requirements, and access to social services. When it comes to the situation of IDPs in Kosovo, UNHCR is referring to its statistical data where 17,283 persons are considered as IDPs. Among them, 720 persons belong to the RAE community. After 15 years, there are still some IDP camps active in Leposavic, Zvecan, Gracanica, Strpe and Kamenica. A majority of the IDPs living in these camps are members of the RAE community. Even if there is a wish of returning to the place of origin, most of the RAE IDPs are not returning due to political and also administrative issues. Most of the houses - up to 78 % - are demolished or burned down while other houses are occupied by the majority population. Property issues are still unsolved. In most of the cases, former houses of RAE IDPs have been burnt down, demolished or are occupied by the majority population.
There is still some pressure on some minority communities (especially on Serbs and Roma) to sell their properties for little amount of money to the majority population. STP has documented several cases were members of the majority population have falsified papers and documents to obtain properties which legally belong to members of some minority communities.

Close to 60 % of RAE IDPs from Kosovo are asking for integration assistance at the actual places because they are not able to return to their former places of origin. One of the main reasons are property issues which are still unsolved. A lot of them did not own their land where they have constructed their former houses. They have constructed it on municipality ground. Some of the RAE IDPs unable to prove their former property rights and therefore are unable to return to their former houses or properties.

Kosovo authorities are prioritizing the return and settlement of IDPs from neighboring countries (the former Yugoslav Republic of Macedonia, Serbia, Bosnia, Montenegro). In most of the cases, those are organized groups who are accessed and returned by the UNHCR and assisted by the fund of the Ministry for Communities and Returns (MCR).

[1] Reference to Kosovo should be understood in full compliance with United Nations Security Council resolution 1244 and without prejudice to the status of Kosovo.

3) Return assistance

The Constitution of Kosovo guarantees the right to all refugees and displaced persons from Kosovo to return to their homes and to recover their property and personal possessions and stipulates that the competent institutions and organs in Kosovo shall take all measures necessary to facilitate the safe return of refugees and displaced persons to Kosovo. The Society for Threatened Peoples (STP) has been monitoring the situation of returning RAE IDPs during the last 18 months. The outcome shows that in 30% of the cases of returning RAE IDPs who are returning to Kosovo on an individual base full access to housing and social assistance has been denied.

STP is aware of some RAE IDPs who returned to Kosovo in 2011 and still not have received any assistance although they have been registered and assistance contracts have been signed. The concerned RAE IDP families are still figuring on the waiting list. Confronted with this situation, MCR refers that there are not enough funds allocated to support the reintegration process of former RAE IDPs.

In most cases, RAE are excluded from housing assistance without giving any specific reasons. STP is also aware of some cases in Gracanica, Laplje Selo, Dobrotin and Strpce where the Ministry for Communities and Returns had called on all IDP families to apply for social assistance. Unfortunately, several application coming from RAE IDPs asking for housing assistance where denied without giving any specific reasons.

4) Conclusion

According to our findings, we have to conclude that RAE IDPs are not enjoying the same rights as other minorities when it comes to return assistance. They are the most vulnerable group – also among the remaining IDPs in Kosovo - and are still facing discrimination and exclusion.

5) Recommendations:

STP strongly urges the Human Rights Council to call upon the government of Kosovo:

1. **To consider the local integration of RAE IDPs as a durable solution and assist in the reintegration process. This should include an effective solution for property disputes and social and economic integration.**

2. **To ensure equal opportunities when it comes to access to state services. Namely, the Ministry for Returns and Communities should more carefully monitor the access to housing and social assistance when it comes to RAE IDPs.**

3. **To ensure a regular reporting on social and economic reintegration process of returned RAE IDPs.**

4. **To involve RAE NGOs and RAE representatives in decision making processes when it comes to the implementation of the reintegration strategy of returned RAE IDPs and refugees.**